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SUBJECT: IRISH RESPONSE TO SA/LW MARKING AND TRACING
DEMARCHE

REF: STATE 9788

1. On January 21, Post delivered reftel talking points to Adrian McDaid, Department of Foreign Affairs (DFA) Counselor for Disarmament and Non-proliferation and Ireland's representative at the January 24-February 4 UN Small Arms and Light Weapons (SA/LW) negotiation session. McDaid said that the Irish view was consistent with the EU position that the proposed international instrument on the marking and tracing of SA/LW should be legally (versus politically) binding. He noted that the EU position reflected the majority view of participating countries in the first UN negotiating session on the proposed instrument in June 2004. This majority view was based on the belief that the instrument would be more effective if it had legal force. McDaid disagreed with reftel talking point that the draft instrument was commensurate with a legally binding agreement, noting that Ambassador Thalman's text had not prejudged the issue. He added that both the EU and Ireland believed that to debate at the outset of next week's negotiation whether the instrument should be politically or legally binding would consume too much time. The better option, McDaid suggested, would be to focus first on the substance of the draft instrument, with a view to producing a second draft by the end of the first week of the negotiations. The EU troika, he observed, planned to meet with U.S. representatives at that time, and Ambassador Thalman also planned to set aside a half-day to discuss the nature of the instrument.

2. Ireland likewise supported the EU position that the proposed instrument should cover ammunition, noted McDaid. He said that there had been a fairly strong level of support for this position among the EU Member States during the June 2004 negotiating session. He added that most African countries also subscribed to this position, which was based on the view that the instrument was the best international tool on offer to address ammunition as a segment of the SA/LW issue. McDaid pointed out that Germany had taken the lead among the EU Member States to approach skeptical countries like the United States on the merits of including ammunition in the instrument.

BENTON